

House File 2573 - Introduced

HOUSE FILE 2573

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 2323)

(SUCCESSOR TO HSB 634)

A BILL FOR

- 1 An Act creating funds relating to the abatement of and response
- 2 to opioid use.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **12.51 Opioid settlement fund.**

2 1. An opioid settlement fund is created in the office of
3 the treasurer of state. The fund shall be separate from the
4 general fund of the state and the balance in the fund shall not
5 be considered part of the balance of the general fund of the
6 state. The state portion of any moneys paid to the state as
7 a result of a national settlement of litigation with entities
8 that manufactured, marketed, sold, distributed, dispensed,
9 or promoted opioids, made in connection with claims arising
10 from the manufacturing, marketing, selling, distributing,
11 dispensing, or promoting of opioids, shall be deposited in the
12 fund. This subsection does not apply to such moneys paid to
13 the state that are earmarked for or otherwise required to be
14 transferred or distributed to counties, cities, or other local
15 governmental entities.

16 2. Moneys in the fund shall not be transferred, used,
17 obligated, appropriated, or otherwise encumbered except as
18 provided in this section. Moneys in the fund shall only be
19 used pursuant to appropriations from the fund by the general
20 assembly for purposes of abating the opioid crisis in this
21 state, which may include but are not limited to the purposes
22 specified in section 135.190A for moneys in the opioid
23 antagonist medication fund.

24 3. Notwithstanding section 8.33, moneys in the fund
25 that remain unencumbered or unobligated at the close of a
26 fiscal year shall not revert. Notwithstanding section 12C.7,
27 subsection 2, interest or earnings on moneys in the fund shall
28 be credited to the fund.

29 Sec. 2. NEW SECTION. **135.190A Opioid antagonist medication**
30 **fund.**

31 1. An opioid antagonist medication fund for first
32 responders is created within the state treasury under the
33 control of the department. The fund shall consist of moneys
34 appropriated to or deposited into the fund.

35 2. Moneys in the fund are appropriated to the department for

1 the purchase, maintenance, and replacement of opioid antagonist
2 medication administered by first responders to persons
3 experiencing an opioid-related overdose. The department is
4 authorized to designate moneys in the fund for the purchase,
5 maintenance, and replacement of opioid antagonist medication
6 used by the department or other entities under this section.

7 3. First responders may contact the department for the
8 procurement of opioid antagonist medication. The department
9 shall keep a record of the distribution of moneys from the
10 fund.

11 4. The fund may consist of available federal or state moneys
12 available, as well as any available opioid lawsuit settlement
13 moneys. Funds may be transferred between other state agencies
14 and the fund as appropriate.

15 5. Notwithstanding section 8.33, moneys in the fund
16 that remain unencumbered or unobligated at the close of
17 a fiscal year shall not revert but shall remain available
18 for expenditure for the purposes designated unless federal
19 regulations otherwise require. Notwithstanding section 12C.7,
20 subsection 2, interest or earnings on moneys in the fund shall
21 be credited to the fund.

22 6. The department shall submit a report to the
23 co-chairpersons and ranking members of the joint appropriations
24 subcommittee on the justice system and to the legislative
25 services agency on or before December 31 of each year which
26 shall contain a list of deposits and expenditures from the fund
27 for the prior fiscal year and the amount of carryover funds, if
28 any, to be distributed in the next fiscal year.

29 7. For purposes of this section:

30 a. *"First responder"* means an emergency medical care
31 provider, a registered nurse staffing an authorized service
32 program under section 147A.12, a physician assistant staffing
33 an authorized service program under section 147A.13, a fire
34 fighter, or a peace officer as defined in section 801.4 who is
35 trained and authorized to administer an opioid antagonist.

1 *b. "Opioid antagonist"* means the same as defined in section
2 147A.1.

3 *c. "Opioid-related overdose"* means the same as defined in
4 section 147A.1.

5	EXPLANATION
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6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill creates funds relating to the abatement of and
9 response to opioid use.

10 OPIOID SETTLEMENT FUND. The bill creates an opioid
11 settlement fund. The state portion of any moneys paid to
12 the state as a result of a national settlement of litigation
13 with entities that manufactured, marketed, sold, distributed,
14 dispensed, or promoted opioids, made in connection with
15 claims arising from the manufacturing, marketing, selling,
16 distributing, dispensing, or promoting of opioids, are required
17 to be deposited in the fund. This does not apply to such moneys
18 paid to the state that are earmarked for or otherwise required
19 to be transferred or distributed to counties, cities, or other
20 local governmental entities. Moneys in the fund can only be
21 used pursuant to appropriations from the fund by the general
22 assembly for purposes of abating the opioid crisis in Iowa.

23 OPIOID ANTAGONIST MEDICATION FUND. The bill provides that
24 an opioid antagonist medication fund for first responders is
25 created within the state treasury under the control of the
26 department of public health (department). The fund shall
27 consist of moneys appropriated to or deposited in the fund
28 and may include available federal or state moneys, as well
29 as any available opioid lawsuit settlement moneys. Funds
30 may be transferred between other state agencies and the fund
31 as appropriate. Moneys in the fund are appropriated to the
32 department for the purchase, maintenance, and replacement
33 of opioid antagonist medication to be administered by first
34 responders to persons experiencing an opioid-related overdose.
35 Moneys in the fund may be designated for the purchase,

1 maintenance, and replacement of opioid antagonist medication.
2 First responders may contact the department for the procurement
3 of opioid antagonist medication and the department shall keep a
4 record of the distribution of moneys from the fund.

5 The bill provides that moneys in the fund that remain
6 unencumbered or unobligated at the close of a fiscal year shall
7 not revert but shall remain available for expenditure, unless
8 federal regulations otherwise require, and interest or earnings
9 on moneys in the fund shall be credited to the fund.

10 The bill provides that the department shall submit a report
11 to the co-chairpersons and ranking members of the joint
12 appropriations subcommittee on the justice system and to the
13 legislative services agency on or before December 31 of each
14 year which shall contain a list of deposits and expenditures
15 from the fund for the prior fiscal year and the amount of
16 carryover funds, if any, to be distributed in the next fiscal
17 year.

18 The bill provides definitions.